IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

OP.No. 1934 of 2003(E)

PETITIONER:

JOSEPH GEORGE, (RETIRED PANCHAYATH INSPECTOR) OFFICE OF THE DEPUTY DIRECTOR OF PANCHAYATS ALAPPUZHA), KALLANCHIRAYIL HOUSE, THATHAMPALLY P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SRI.V.VARGHESE

RESPONDENTS:

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1. **STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT,THIRUVANANTHAPURAM**

2. **DIRECTOR OF PANCHAYATS, THIRUVANANTHAPURAM**

3. **DEPUTY DIRECTOR OF PANCHAYATS, ALAPPUZHA.**

4. **ACCOUNTANT GENERAL (A&E) KERALA, THIRUVANANTHAPURAM-39**

BY GOVERNMENT PLEADER SMT. SMITHA BABU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.2534/2003 IN OP. 1934/2003

DISMISSED

15.12.2006 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MEMO OF CHARGES NO.EL 3883/94 DT. 24.12.94 OF THE DISTRICT PANCHAYAT OFFICER, ALAPPUZHA.

EXT.P1(a):- COPY OF THE STATEMENT OF ALLEGATIONS APPENDED TO THEMEMO OF CHARGES.

EXT.P2:- COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT PANCHAYAT, OFFICER, ALAPPUZHA DT. NI.

.EXT.P3:- COPY OF THE ORDER NO.E2/901/99 DT.11.6.99 OF THE 3RD RESPONDENT.

EXT.P4:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DT.25.3.2000.

EXT.P5:- COPY OF THE ORDER NO.AV 3883/94 DT.23.1.02 OF THE 3RD RESPONDENT.

EXT.P6:- COPY OF THE ORDER NO.E2-901/99 DT.2.4.02 OF THE 3RD RESPONDENT.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P. NO. 1934 OF 2003

Dated this the 15th day of December, 2006

J U D G M E N T

The writ petition is filed with the following prayers:-

> "(i) To declare that the petitioner is entitled to get his full pensionary benefits including D.C.R.G. And commuted value of pension with 18% interest per annum from the dates on which they fell due till the date of payment.
>
> (ii) To issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to disburse the full pensionary benefits due to the petitioner including D.C.R.G. and commuted value of pension with 18% interest per annum from the dates on which they fell due till the date of payment within a time limit to be fixed by this Hon'ble Court."

2. Petitioner retired from service on 31.3.99. Learned Government Pleader on instruction submits that CC 31/05 on the file of the Enquiry Commissioner Sub Judge, Thiruvananthapuram is the objection, in which the petitioner is an accused. Therefore, under Rule 3 A Part III KSR, the benefits cannot be disbursed. Since the petitioner has retired as early as in 1999, there will be a direction to the Enquiry Commissioner Sub Judge Thiruvananthapuram, to dispose of CC 31/05, within six months. Depending on the outcome of the criminal case, appropriate action will be taken to settle the service benefits due to the petitioner within another two months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.1934/03

JUDGMENT

15th DECEMBER, 2006